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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,998	09/30/2003	Logan M. Colby	POU920030142US1	5251

7590 02/15/2007
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EXAMINER

LAZARO, DAVID R

ART UNIT	PAPER NUMBER
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2155

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/674,998

Applicant(s)

COLBY ET AL.

Examiner

David Lazaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/30/2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-16 are pending in this office action.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 09/30/2003 has been considered by the examiner.

Drawings

3. The drawings filed 10/22/2003 are accepted by the examiner.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3, 11, 12, 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 3, 11 and 15 each contain the trademark/trade name "Java 2 Enterprise Edition". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A

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trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe both an environment and services and, accordingly, the identification/description is indefinite.

7. Claims 12 and 16 both contain the limitation "EJB". The claimed subject matter does not make it particularly clear the meaning of EJB. As such the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 4-9 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2004/0059946 by Price (Price).

10. With respect to Claim 1, Price teaches a system for providing context-based dynamic policy assignment in a distributed processing environment, comprising:

a first resource management host in communication with a client system via a distributed network architecture (Pages 1-2 [0018]-[0019] server system connect to client through network);

at least one application executable by said first resource management host (Page 19 [0019] - hosted architecture with applications executed by server);

a dynamic policy assignment system executing on said first resource management host (Page 2 [0020] and Page 3 [0027]-[0028]: servlet and associated components provide policy assignment)

a plurality of policies stored on said first resource management host (Page 2 [0021] and Page 3 [0027]: security data source stores policy information such as group memberships);

an application profile associated with said client system, said application profile received by said first resource management host in response to a request by said client system to receive application hosting services, said application hosting services including executing said at least one application on behalf of said client system (Page 2 [0019], [0022]-[0023] request includes application profile including profile ID and task name);

wherein said dynamic policy assignment system performs:

receiving said request at said first resource management host (Page 2 [0022]-[0023]);

based upon a profile ID and task name associated with said application profile, selecting at least one of said plurality of policies for an application instance related to

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said request (Page 2 [0025]-[0028]: security policies are selected and established based on the context of the application and user information associated with the client request);

associating said at least one of said plurality of policies to said application instance (Page 2 [0025]-[0029]: security policies are selected and established based on the context of the application and user information associated with the client request); and

executing said application on behalf of said client system (Page 3 [0028] and Page 4 [0036]-[0037] and [0040]: execution of the requested application occurs based on the policies associated with it).

11. With respect to claim 4, Price further teaches wherein said policies include at least one of: security; transaction; persistence; and performance (Page 2 [0021] and Page 3 [0027]).

12. With respect to claim 5, Price further teaches wherein said plurality of policies includes an access intent policy (Page 2 [0021] and Page 3 [0027]).

13. With respect to claim 6, Price further teaches wherein said application profile includes a profile ID operable for identifying said client system and distinguishing said client system from other client systems (Page 2-3 [0025]-[0026]: user identification such as userid).

14. With respect to claim 7, Price further teaches wherein said application profile includes a task name operable for identifying an application requested by said client system (Page 2 [0025]-[0026]: application name).

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15. With respect to claim 8, Price further teaches wherein said task name is a default value reflecting a name of said application requested by said client (Page 2 [0025]-[0026]: application name).

16. With respect to claims 9 and 13, Price teaches a method (and corresponding storage medium) for providing context-based dynamic policy assignment in a distributed processing environment, comprising:

receiving a request at a first host system to execute a first application on behalf of a client system, said request including an application profile (Page 2 [0019], [0022]-[0023] request includes application profile including profile ID and task name);

based upon a profile ID and task name associated with said application profile (Page 2 [0019], [0022]-[0023] request includes application profile including profile ID and task name), selecting at least one policy for an application instance related to said request (Page 2 [0025]-[0028]: security policies are selected and established based on the context of the application and user information associated with the client request);

associating said at least one policy to said application instance (Page 2 [0025]-[0029]: security policies are selected and established based on the context of the application and user information associated with the client request);

executing said first application on behalf of said client system (Page 3 [0028] and Page 4 [0036]-[0037] and [0040]: execution of the requested application occurs based on the policies associated with it).

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17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 2, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of U.S. Patent 7,076,562 by Singhal et al. (Singhal).

19. With respect to Claim 2, Price does not explicitly disclose further comprising a second resource management host in communication with said client system and said first resource management host via said distributed network architecture, said second resource management host receiving said request forwarded by said first resource management host; wherein said request includes a request to execute a second application different from said at least one application, said second application stored on said second resource management host.

Singhal teaches a system with application level enforcement of policies based on user requests and an associated context (Col. 3 lines 58-67 and Col. 4 lines 47-54 and Col. 7 lines 56-67). The system includes a first resource management host, which can forward a users request to a second resource management host, allowing the second host to execute an application stored on the second host (Col. 5 lines 1-14 and Col. 6 lines 58-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Price and modify it as indicated by Singhal such that it further comprises a second resource management host in

communication with said client system and said first resource management host via said distributed network architecture, said second resource management host receiving said request forwarded by said first resource management host; wherein said request includes a request to execute a second application different from said at least one application, said second application stored on said second resource management host. One would be motivated to have this as it is desirable to implement policies associated with applications including those on other host systems (In Singhal: Col. 2 lines 61-66).

20. With respect to claims 10 and 14, Price does not explicitly disclose forwarding said request to a second host system along with said application profile wherein said request contains a request to access a second application stored on said second host system.

Singhal teaches a system with application level enforcement of policies based on user requests and an associated context (Col. 3 lines 58-67 and Col. 4 lines 47-54 and Col. 7 lines 56-67). The system includes a first resource management host, which can forward a users request to a second resource management host, allowing the second host to execute an application stored on the second host (Col. 5 lines 1-14 and Col. 6 lines 58-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method (and corresponding storage medium) disclosed by Price and modify it as indicated by Singhal such that it further comprises forwarding said request to a second host system along with said application profile wherein said request contains a request to access a second application stored on said second host

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system. One would be motivated to have this as it is desirable to implement policies associated with applications including those on other host systems (In Singhal: Col. 2 lines 61-66).

21. Claims 3, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Singhal and in further view of Applicant's admitted prior art.

22. With respect to claims 3, Price in view of Singhal disclose a Java operational environment for providing services to client system (In Price: Page 2 [0020]) but does not explicitly disclose wherein said first resource management host and said second resource management host are operating in a Java 2 Enterprise Edition environment and provide Java 2 Enterprise Edition services to said client system via said dynamic policy assignment system.

However, Applicant admits that Java 2 Enterprise Edition environments are known and used for application hosting environments providing web services (Applicants specification, Page 1 [0002]-[0003]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Price in view of Singhal and modify it such that said first resource management host and said second resource management host are operating in a Java 2 Enterprise Edition environment and provide Java 2 Enterprise Edition services to said client system via said dynamic policy assignment system. One would be motivated to have this as it is a known form of a

network-oriented application hosting environment which corresponds to the environment of Price (Pages 1-2 [0004]-[0005] and [0018]-[0020]).

23. With respect to Claims 11 and 15, Price in view of Singhal disclose a Java operational environment for providing services to client system (In Price: Page 2 [0020]) but does not explicitly disclose wherein said first resource management host and said second resource management host are operating in a Java 2 Enterprise Edition environment and provide Java 2 Enterprise Edition services to said client system via said dynamic policy assignment system.

However, Applicant admits that Java 2 Enterprise Edition environments are known and used for application hosting environments providing web services (Applicants specification, Page 1 [0002]-[0003]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method (and corresponding storage medium) disclosed by Price in view of Singhal and modify it such that said first resource management host and said second resource management host are operating in a Java 2 Enterprise Edition environment and provide Java 2 Enterprise Edition services to said client system via said dynamic policy assignment system. One would be motivated to have this as it is a known form of a network-oriented application hosting environment which corresponds to the environment of Price (Pages 1-2 [0004]-[0005] and [0018]-[0020]).

Conclusion

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24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

25. U.S. Patent 6,499,110 by Moses et al. "Method and apparatus for facilitating information security policy control on a per security engine user basis" December 24, 2002. Compares user identification information to verify that policy rules associated with a calling application should be employed by a security engine.

26. U.S. Patent 6,671,724 by Pandya et al. "Software, systems and methods for managing a distributed network" December 30, 2003. Discloses policy rules and conditions generally related to application profiles and client parameters.

27. U.S. Patent Application Publication 2003/0229501 by Copeland et al. "Systems and methods for efficient policy distribution" December 11, 2003. Discloses querying for policy assignment based on application type.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

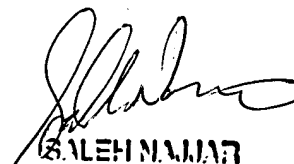
Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Lazaro
February 06, 2007



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